

REMARKS

This paper and the accompanying RCE are filed in response to the Decision on Appeal dated September 19, 2008, which affirmed the rejections in the final Office action dated January 25, 2006 (the “Final Office Action”).

Claims 36-41, 57, and 64 were previously pending in the application. Claim 64 has been canceled and new claim 65 has been added. Accordingly, claims 36-41, 57, and 65 are now pending.

Pending claims 36-41 and 57 stand rejected in the Decision on Appeal. Claim 64 also stood rejected in the Decision on Appeal, but this rejection is rendered moot by the cancellation of claim 64 in this paper.

The amendments add no new matter. Support for the amendments may be found throughout Applicant’s Specification and Drawings, for example on p. 18, line 8—p. 19, line 18; p. 29, line 23—p. 30, line 16; p. 31, line 18—p. 33, line 33; and in FIGs. 4-6, 9-11, 27a-27c, and 28. While not conceding that the cited reference(s) qualify as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example in a continuing application, to establish that the cited reference(s), or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

The amendments to the claims have been made to expedite prosecution. Applicant reserves the right, for example in a continuing application, to pursue claims similar to the previously pending claims. Applicant respectfully submits that the pending claims are allowable

in view of the following remarks and the above amendments, and respectfully requests reconsideration of the pending rejections.

Rejections under §§ 103(a)

Pending claims 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,949,559 issued to Kihara et al. (Kihara), U.S. Patent No. 5,317,435 issued to Kasazumi et al. (Kasazumi) and U.S. Patent No. 4,834,476 issued to Benton. Pending claims 39-41 and 57 stand rejected under § 103(a) as being unpatentable over Kihara and U.S. Patent No. 5,223,955 issued to Zabka (Zabka).

Independent claims 36, 39, and 57 and dependent claims 37-38 and 40-41 have been amended in this paper. Applicant respectfully submits that, as amended, the claims are allowable because the cited references fail to disclose each limitation of Applicant's claims.

Applicant's independent claim 36 now includes added limitations of:

**a second replaceable band-limited diffuser;
a second replaceable masking plate.**

Moreover, amended claim 36 further requires that:

each of the first replaceable band-limited diffuser and the first replaceable masking plate are located in respective positions such that the first replaceable band-limited diffuser can be replaced with the second replaceable band-limited diffuser and the first replaceable masking plate can be replaced with the second replaceable masking plate, and

the second replaceable band-limited diffuser and the second replaceable masking plate form a second matched set, and the second matched set is configured to allow exposure of a second elemental hologram that is at least one of: larger than the first elemental hologram, smaller than the first elemental hologram, or differently shaped than the first elemental hologram.

Applicant's independent claim 39 now includes limitations of:

a voxel-control lens located in the path of the object beam and positioned at a distance from the elemental hologram, wherein the position is based on a focal length of the voxel-control lens and a size of the elemental hologram.

Applicant's independent claim 57 now includes added limitations of:

positioning a voxel-control lens at a distance from the elemental hologram, wherein the position is based on a focal length of the voxel-control lens and a size of the elemental hologram.

Applicant respectfully submits that these new additional limitations are not disclosed in the cited passages of the references. Accordingly, Applicant respectfully submits that claims 36, 39, and 57 are allowable under § 103(a). Dependent claims 37-38 depend on claim 36 and dependent claims 40-41 depend on claim 39. Dependent claims 37-38 and 40-41 are therefore similarly allowable under § 103(a), each being dependent on an allowable base claim.

New claim 65

New claim 65 depends on claim 57 and is therefore allowable at least for the reasons discussed above.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance and a notice to that effect is solicited.

Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

Applicant hereby authorizes that any fees due for extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cyrus Bharucha', with a long horizontal flourish extending to the right.

Cyrus F. Bharucha
Attorney for Applicant
Reg. No. 42,324
512-439-5097
512-439-5099 (fax)